

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRIS HAROLD CAVE,

Plaintiff,

vs.

JPM CHASE BANK INVESTMENTS
 DIVISION, *et al.*,

Defendants.

Case No. 2:16-cv-01806-RFB-GWF

ORDER

This matter is before the Court on Defendant JPM Chase Bank Investments Division's Motion to Strike (ECF No. 19) Plaintiff's Ex Officio Clerk Petition to Adduce and Enter Exhibits on Record (ECF No. 10) and Plaintiff's Letter (ECF No. 12), filed on September 23, 2016. To date, no party has filed an opposition to this motion and the time for response has now expired.

Under Rule 12(f) of the Federal Rules of Civil Procedure, the Court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. Fed. R. Civ. P. 12(f). The essential function of a Rule 12(f) motion is to avoid the expenditure of time and money that must arise from litigating spurious issues by dispensing with those issues prior to trial. *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524, 1527 (9th cir. 1993), *rev'd on other grounds*, 510 U.S. 517, 114 S. Ct. 1023. Striking material pursuant to Rule 12(f) is considered a "drastic remedy" that is "generally disfavored." *Nevada Fair Housing Center, Inc. V. Clark County*, 565 F. Supp.2d 1178 (D. Nev. 2008). Whether to grant a motion to strike lies within the sound discretion of the district court. *Roadhouse v. Las Vegas Metro. Police Dep't*, 290 F.R.D. 535, 543 (D. Nev. 2013). Additionally, the Court may strike an improper filing under its "inherent power over the administration of its business." *Spurlock v. F.B.I.*, 69 F.3d 1010, 1016 (9th Cir. 1995). Similar to Rule 12(f) motions to strike, striking material under the Court's inherent power is wholly discretionary. See *Almy v. Davis*, No. 2:12-cv-00129-JCM-VCF, 2014 WL 773813, at *4-5 (D.Nev.

1 Feb. 25, 2014); *Jones v. Skolnik*, No. 3:10-cv-0016-LRH-VPC, 2015 WL 685228, at *2 (D. Nev. Feb.
2 18, 2015).

3 Rule 7(a) of the Federal Rules of Civil Procedure states that only these types of pleadings are allowed:
4 (1) a complaint; (2) an answer to a complaint; (3) an answer to a counterclaim designated as a counterclaim;
5 (4) an answer to a crossclaim; (5) a third-party complaint; (6) an answer to a third-party complaint; and (7) if
6 the court orders one, a reply to an answer. Fed. R. Civ. P. 7(a). Rule 7(b) sets forth that a motion must be in
7 writing unless it is made during a hearing or trial, must state with particularity the grounds for seeking the order,
8 and state the relief sought. Fed. R. Civ. P. 7(b). Plaintiff's Ex Officio Clerk Petition to Adduce and Enter
9 Exhibits on Record (ECF No. 10) is not coherent and does not comply with the Federal Rules of Civil
10 Procedure. Similarly, Plaintiff's Letter addressed to Defendant's Counsel, Mr. Larsen, is not coherent and
11 does not comply with the Federal Rules of Civil Procedure.

12 In addition, Local Rule 7-2(d) provides that "The failure of an opposing party to file points and
13 authorities in response to any motion shall constitute a consent to the granting of the motion." Plaintiff did not
14 file points and authorities in response to Defendant's instant motion to strike. Therefore, Plaintiff is considered
15 to have consented to the granting of Defendant's motion under LR 7-2(d). Accordingly,

16 **IT IS HEREBY ORDERED** that Defendant JPM Chase Bank Investments Division's Motion to
17 Strike (ECF No. 19) is **granted**.

18 DATED this 25th day of October, 2016.

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21 GEORGE FOLEY, JR.
22 United States Magistrate Judge
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